

PD-0795-21

APPELLATE CAUSE NO. 14-1900591-CR

FILED
COURT OF CRIMINAL APPEALS
3/18/2022
DEANA WILLIAMSON, CLERK

ROBERT EARL HART

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COURT OF CRIMINAL APPEALS

V.

STATE OF TEXAS

AUSTIN, TEXAS

APPELLANT'S MOTION TO EXTEND TIME TO FILE
BRIEF ON DISCRETIONARY REVIEW

TO THE HONORABLE COURT:

Comes now, ROBERT EARL HART, Appellant in this matter, by and through his attorneys, and makes this Motion to Extend Time to File Brief on Discretionary Review. In support of this motion, Appellant would show the following:

1. On May 13, 2021, the court of appeals for the 14th District, Houston, Texas issued an opinion and judgment reversing the trial court's judgment as to sentencing and remanding the case to the 182nd District Court for new sentencing proceedings. The Harris County District Attorney's Office (Appellee) filed a Motion for Rehearing En Banc. The court of appeals denied this motion on September 16, 2021. The Appellee filed a petition for discretionary review which this Court granted on January 12, 2022. Appellee filed its brief with the Court on February 12, 2022.

2. Appellant's brief in response was due to be filed with the Court on March 16, 2022. Appellant's brief was filed with the Court at 12:35 a.m. on March 17, 2022. Appellant's filing was accepted by the Clerk's Office on March 17, 2022 at 8:35 a.m.

3. Appellant's counsel seeks a 24-hour extension of time to file the Appellant's brief on discretionary review. This is Appellant's first request for an extension of time to file the brief on discretionary review.

4. Appellate counsel was attempting to file the brief late in the evening of March 16, 2022 using the updated e-filing website. The website gave appellate counsel error messages and eventually froze up. Appellate counsel was required to restart the computer twice before giving up and attempting to file with the old version of the e-filing website. Appellate counsel's filing was accepted on the first attempt with the old version.

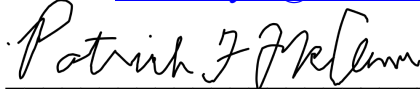
5. Appellate counsel respectfully requests a 24-hour extension of time to file the Appellant's brief on discretionary review. Appellant's brief would be due on March 17, 2022, the date that it was filed with the Court.

6. The extension of time to file the petition for discretionary review is not done for delay, but that justice may be done and that Appellant's brief may be considered by the Court.

FOR THESE REASONS, Appellant prays that this Court grant this motion and extend the time for the filing of Appellant's brief for twenty-four hours.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

This is to certify that on March 18, 2022, a true and correct copy of the above and foregoing document was served on all parties in accordance with the Texas Rules of Civil Procedure.

By: Patrick F. McCann
Patrick F. McCann
Attorney for Appellant

By: Julia Bella
Julia Bella
Attorney for Appellant

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Status as of 3/18/2022 2:06 PM CST

Associated Case Party: Harris County District Attorney's Office

Name	BarNumber	Email	TimestampSubmitted	Status
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